

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

2:13-CV-1633 JCM (NJK)

GREGORY DANAHER,

Plaintiff(s),

v.

FREDERICK J. HANA AND  
ASSOCIATES, P.C.,

Defendant(s).

**ORDER**

Presently before the court is Magistrate Judge Koppe's report and recommendation. (Doc. # 5).

On September 24, 2013, the magistrate judge found that plaintiff's complaint failed to state a claim and allowed plaintiff thirty days to file an amended complaint. Plaintiff has neither filed an amended complaint nor requested an extension of time. Plaintiff was warned that failure to comply with the screening order may result in the dismissal of his complaint. Plaintiff has failed to comply with the screening order, and the magistrate recommends the complaint be dismissed. No objections to the recommendation have been filed and the deadline to do so has passed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."

1 28 U.S.C. § 636(b)(1).

2 Where a party fails to object, however, the court is not required to conduct “any review at all  
3 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
4 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
5 judge’s report and recommendation where no objections have been filed. *See United States v.*  
6 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
7 district court when reviewing a report and recommendation to which no objections were made); *see*  
8 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
9 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any  
10 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
11 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
12 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
13 to which no objection was filed).

14 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
15 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
16 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in  
17 full.

18 Accordingly,

19 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Koppe’s  
20 report and recommendation (doc. # 5) be, and the same hereby is, ADOPTED in its entirety.

21 IT IS FURTHER ORDERED that plaintiff’s complaint (doc. # 1) be DISMISSED. The clerk  
22 shall enter judgment accordingly and close the case.

23 DATED December 12, 2013.

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25   
26 **UNITED STATES DISTRICT JUDGE**  
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